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FAIREU KEY COUNTRY REPORT: POLITICAL PARTICIPATION IN BELGIUM

AUTHORED BY
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FAIREU Key Country Report: Electoral Participation in Belgium

Luana Russo^{*}

Abstract:

On 14th October 2018, Belgium holds local elections in the entire country. The main aim of this report is to provide a general overview of the participation level of non-citizen residents by illustrating the institutional context, the main rules and voting rights, and some key figures of the activity levels of non-native voters. In order to properly reflect the federal nature of Belgium, registration data are presented at the regional level. Figures show that registration levels of non-Belgian residents are higher in the Brussels region, followed by Wallonia and then Flanders.

Abstrait:

Le 14 octobre 2018, la Belgique organise des élections locales dans tout le pays. L'objectif principal de ce rapport est de fournir un aperçu général du niveau de participation des résidents non citoyens en illustrant le contexte institutionnel, les principales règles et droits de vote, ainsi que des chiffres clés sur les niveaux d'activité des électeurs non autochtones. Afin de refléter correctement le caractère fédéral de la Belgique, les données d'enregistrement sont présentées au niveau des régions. Les chiffres montrent que les niveaux d'inscription des non-résidents belges sont plus élevés dans la région bruxelloise, suivis par la Wallonie et ensuite par la Flandre.

Abstract:

Op 14 oktober 2018 houdt België lokale verkiezingen in het hele land. Het belangrijkste doel van dit rapport is om een algemeen overzicht te geven van het participatieniveau van niet-ingezetenen door de institutionele context, de belangrijkste regels en stemrechten te illustreren, en enkele kerncijfers van de activiteitsniveaus van niet-inheemse kiezers. Om het federale karakter van België goed weer te geven, worden registratiegegevens gepresenteerd op regioniveau. Uit cijfers blijkt dat de registratieniveaus van niet-Belgische inwoners hoger zijn in het Brussels Gewest, gevolgd door Wallonië en vervolgens Vlaanderen.

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A preliminary note on terminology

In this report the following definitions are used interchangeably:

- Belgian citizen(s) /first-country citizen/ FCC
- European Union citizen(s) / non-citizen residents / EU national/second-country national(s)/ SCC
- Non-European citizen(s) / Non-European Union citizen(s) /non-EU national/ third-country national(s)/ TCC

1. Introduction

Levels of election/government

Belgium is a Parliamentary Monarchy and, since 1993, a federal country. The country has three main levels of government/institutional components:

1. Three regions (further divided in 11 provinces):
 - a. Wallonia (five provinces: Brabant Walloon, Hainaut, Liège, Luxembourg, Namur);
 - b. Flanders (five provinces: Antwerp, Flemish Brabant, West Flanders, East Flanders, Limburg);
 - c. Brussels-capital (overlaps with the province of Brussels and the 19 Brussels municipalities).
2. Four language regions:
 - a. French-speaking region (Walloon Region without the German speaking municipalities – about 3.45 million inhabitants);
 - b. Dutch-speaking region (Flemish region – about 6.300 million inhabitants);
 - c. Bilingual Brussels-capital region (19 municipalities – about 1.12 million inhabitants);
 - d. German-speaking region (9 German-speaking municipalities – about 75,000 inhabitants)
3. Three communities:
 - a. French-speaking community (Walloon Region without the German speaking municipalities but including French-speaking institutions in the Brussels-capital region);
 - b. Flemish-speaking community (Flemish Region including Dutch-speaking institutions in the Brussels-capital region);
 - c. German-speaking community (overlapping with the German-speaking region)

Each of these levels has a representative institution with elected members. The following overview starts from the highest and moves to the lowest level:

Federal State: The Belgian legislature has two chambers, namely the Chamber of Representatives and the Senate, but it is not a perfectly bicameral system. Since the 1995 elections, the Senate has had fewer competences than the Chamber. They maintain equal power only for the approval of constitutional reforms and for laws requiring a qualified majority. For all other legislation the Chamber holds the legislative power, and the Senate is only a chamber of consideration and reflection. In 2014 the sixth state reform established that none of the members of the Senate would be directly elected, and it would become an assembly of regional parliaments, with fewer members. Currently, the Senate is composed of 60 members, of whom 50 are indirectly elected (20 French speakers, 29 Dutch speakers and 1 German speaker), and 10 are co-opted (that is, elected by their peers: six by the Dutch-language group and four by the French-language group).

The Chamber (also known as the lower chamber) holds the legislative power and is composed of 150 members directly elected by citizens. Since the sixth state reform (2014), these 150 members are elected across the 11 electoral districts that correspond to the 11 Belgian provinces. Of the total number of members, 88 are part of the Dutch-language group and 62 of the French-language group.

Regions and Communities: as mentioned above, there are three regions and three communities; these two entities have several areas of overlapping competence.

Regions are in charge of everything that concerns their territory in the widest meaning of the term (e.g., agriculture, housing, country planning, etc.), whilst communities are only concerned with linguistically-determined geographical boundaries (e.g., culture, education, the use of the relevant language). Both the Flemish and French speaking Communities have jurisdiction over the area of the Brussels-Capital Region. The German-speaking Community, as it is located within the Walloon Region, is the only community with an area over which they have exclusive jurisdiction as a community.

In principle, each region and each community has a parliament, with a few distinctions:

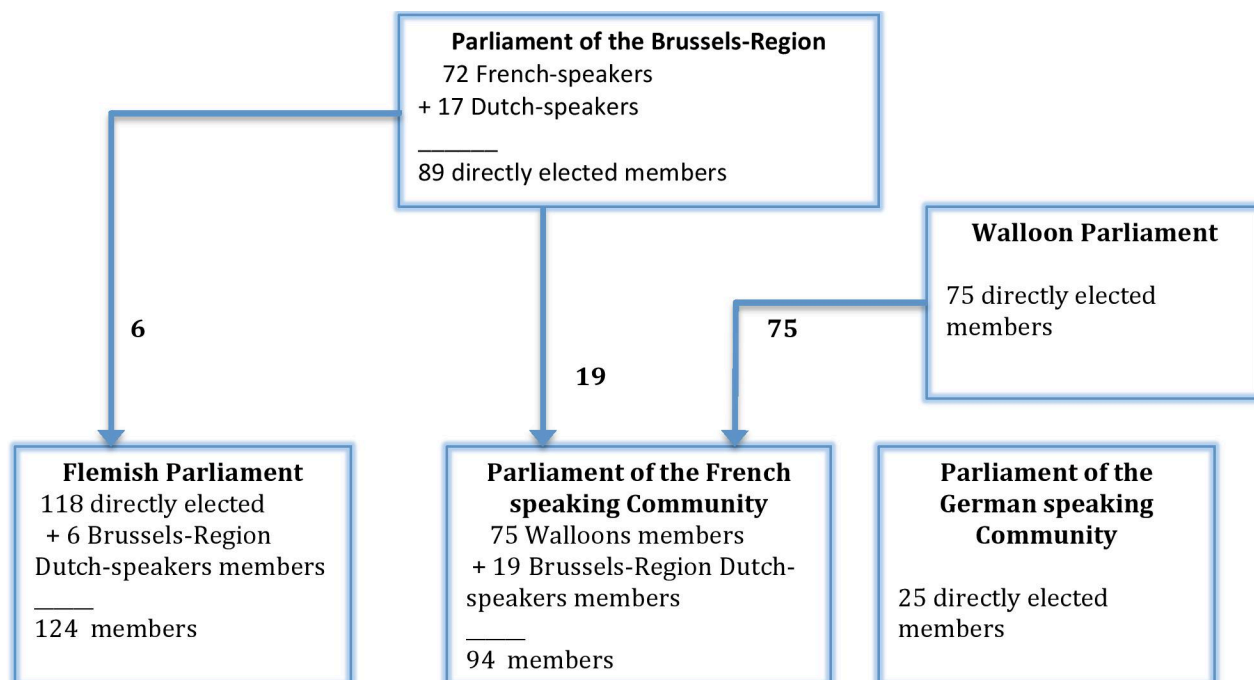
- the Flemish Regional Parliament is directly elected;
- the Flemish Regional Parliament is directly elected and it also serves as the community parliament;
- the Walloon Parliament is directly elected;
- the French-community Parliament is composed of *ex officio* members of the Walloon and the Brussels Region Parliament;
- the German-community Parliament is directly elected.

Figure 1 provides an overview of the organisation of regional and community parliaments (and the number of elected members).

Provinces and Municipalities: The province is in charge of all matters that concern the interests of the province and which does not come under the general interest of the Federal State, the Communities and the Regions, or under the communal interest (e.g. granting licenses for industries and agriculture, public order). Each province has a Provincial Council which is directly elected. Table 1 offers an overview of the division of provinces and municipalities within each region, and the number of provincial council members.

Finally, each municipality has its own municipal council. Over 13,000 municipal council members are directly elected in the councils.

Figure 1: Regional and community parliaments (next to the arrows the members of each Parliament that also sit in the other Parliament)



Source: own translation from IBZ (Elections Direction Belgium)¹

Table 1: divisions of regions, provinces and municipalities

Region	Province	Provincial council members	#Municipalities
Flanders	Antwerp	72	262 (including the 9 German-speaking municipalities)
	Flemish Brabant	72	
	West Flanders	72	
	East Flanders	72	
	Limburg	63	
Wallonia	Wallon Brabant	37	308
	Hainaut	56	
	Liège	56	
	Luxembourg	37	
	Namur	37	
Brussels	Bruxelles		19
Total: 3	11	574	589

Source: Own table from IBZ data (Elections Direction Belgium)²

¹ The original image can be found at <http://elections.fgov.be/index.php?id=3304&L=17>, accessed 24 September 2018

Electoral system

Belgium is one of the few countries worldwide in which voting is compulsory.³ In Belgium, compulsory voting has existed since 1893⁴. It applies for all levels of governments, including elections for the European Parliament⁵. As soon as they are 18 years old, Belgians are automatically registered in the eligible voters' list and cannot opt out of it.

Belgium employs a proportional system at every political level. Belgium was the first country worldwide to introduce an electoral system at the national level, and the principle of proportionality has been actually written into the Constitution since 1920. Thus, the only way to change the system would be via constitutional amendment.

The method employed for all levels (except for municipalities) is the d'Hondt system. However, it has been argued that the Belgian system is effectively not in practice completely proportional.⁶ This is due both to the inherent characteristic of the d'Hondt system, which tends to advantage bigger parties (see, among others, Laakso and Taagepera 1978⁷), and to the fact that it is necessary to reach a 5% threshold. However, this threshold needs to be reached at the constituency level (not at the federal one) in order to participate in the allocation of seats, which is an additional hurdle for small parties.

The voting system adopted is the open list. Therefore, voters can express a preference for a candidate and they are not bound by the ranking of the list established by the party. However, the ranking is extremely relevant, as it is taken into account for all those ballots in which only a party preference has been expressed.

Since 2006, the municipal elections are formally organized by the three Regions. At the municipal level the *Imperiali* method is employed. Worldwide this method is very seldom employed (besides being used for municipal elections in Belgium, it is currently adopted in Ecuador⁸ and for some regional elections in Russia⁹, and it used to be employed for the election of the Chamber of Deputies in Italy until 1993¹⁰), and it is less proportional than the

² The official original information can be found at <http://elections.fgov.be/index.php?id=3304&L=17>, accessed 24 September 2018

³ For an overview of countries that have (and enforce) compulsory voting see: <https://www.idea.int/data-tools/data/voter-turnout/compulsory-voting>

⁴ Briggs, J., & Celis, K. (2010). For and Against: Compulsory Voting in Britain and Belgium. *Social and Public Policy Review* 2010, 4(1), p. 2

⁵ Kuzelewska, E. (2016) Compulsory Voting in Belgium. A Few Remarks on Mandatory Voting. *Białostockie Studia Prawnicze* 20(A)

⁶ See: Bouhon, F. (2017). *The Belgian election system*. Available at:

<https://orbi.uliege.be/bitstream/2268/206949/1/BRASILIA%20-%20The%20Belgian%20Electoral%20System.docx.pdf>

⁷ Laakso, M., & Taagepera, R. (1978). Proportional representation in Scandinavia: implications for Finland. *Scandinavian Political Studies*, 1(1), 43-60.

⁸ De la Torre, C., & Ortiz Lemos, A. (2016). Populist polarization and the slow death of democracy in Ecuador. *Democratization*, 23(2), 221-241.

⁹ See: Golosov, G. V. (2014). Authoritarian electoral engineering and its limits: A curious case of the imperiali highest averages method in Russia. *Europe-Asia Studies*, 66(10), 1611-1628.

¹⁰ Golder, M. (2005). Democratic electoral systems around the world, 1946–2000. *Electoral Studies*, 24(1), 103-121.

d'Hondt method, as it severely disfavours small parties because of the way divisors are enforced.¹¹

One peculiarity of the Belgian case is that the electoral party on offer, even at the national/federal level, is divided by region. That is, political parties operate within the Dutch-speaking northern or the French-speaking southern part of the country. However, the split offer is a relatively recent phenomenon. Until the late 1960s, large Belgian parties did present candidates at the national level, but by the end of the 1970s all Belgian parties had split up into separate and unilingual parties. To give an example: traditional parties such as the Social Democrats or the Christian Democrats, instead of having one unitary organisation at the national level, have two separate parties, one in Flanders, and one in Wallonia. As several authors have noted¹², this did not happen to adapt to a new institutional structure – instead, it can be argued that parties, by setting-up this division (which coincides with the linguistic one) took the decisive steps towards a federal Belgium. In practice, this means that, for the federal elections, Flemings can only vote for the Flemish electoral party on offer, Walloons can only vote for the Walloon party on offer (along with the German-speaking community), and only residents in the Brussels Capital Region can decide between the two parties on offer, as this region, being officially bilingual, hosts parties from both regions.

Frequency of elections at each level

Elections for federal and regional levels are held every five years. Elections for provincial and municipal levels are held every six years. Table 2 shows the most recent and the next scheduled elections.

Table 2: election years in Belgium

Elections	Last election	Next election
Federal	25/05/2014	26/05/2019
Regional	25/05/2014	26/05/2019
Provincial	14/10/2012	14/10/2018
Municipal	14/10/2012	14/10/2018

¹¹ For an overview of the electoral rules and their evolution in Belgium see: Pilet, J. B. (2015). *Electoral system change in Europe since 1945: Belgium*. Available at:

http://www.electoralsystemchanges.eu/Files/media/MEDIA_121/FILE/Belgium_summary.pdf

¹² See:

- Deschouwer, K. (2012). *The politics of Belgium. Governing a divided society*. London: Palgrave MacMillan.
- Russo, L., Deschouwer, K., Verthé, T., (forthcoming) Split offer and homogeneous response. The (de)-nationalization of electoral politics in Belgium. *Journal of the Low Countries*.
- Verleden, F. (2009). Splitting the Difference: The Radical Approach of the Belgian Parties, in W. Swenden and B. Maddens (Eds.), *Territorial Party Politics in Western Europe*. Basingstoke: Palgrave Macmillan, 145-166.

2. Eligibility of different types of voters (resident citizens, mobile EU citizens, third country nationals)

Rules on electoral eligibility in each type of election (passive/active)

In this section passive and active (in this order) eligibility is illustrated.

In order to be eligible to vote in Belgium as Belgian citizen in all level of governments, the following conditions have to be satisfied:

- holding the status of Belgian citizen at the moment in which the electoral lists have to be completed (e.g., for the last Federal elections, which were held on 25th May 2014, electoral lists were closed on March 1st of the same year);
- being 18 years old;
- being enlisted in the Belgian population of a Belgian municipality (same deadline as for citizenship);
- being in possession of all electoral rights (e.g., not being imprisoned).

In order to be able to vote as a European Union citizen for the European Parliament elections in Belgium, the following conditions have to be satisfied:

- as a European Union citizen, if all conditions listed above (apart from being Belgian) are satisfied, it is possible to vote for the European Parliament in Belgium by expressing a vote for a Belgian electoral list;
- the European Union citizen has to fill in a formal request (a form is available) in which he declares he will not vote for an electoral list in his own country. This form has to be submitted to the municipality of residence. The deadline is the same as the one for closing the list of eligible voters (see above).

In order to be able to vote as a Belgian citizen living abroad, the following conditions have to be satisfied:

- For the European Parliament elections, eligible Belgian citizens are allowed to vote by mail. They have to apply by submitting a specific form 60 days before the election.
- For the Chamber of Representative (Federal Parliament) eligible Belgian citizens will receive their ballot paper via mail to their official address (they can also vote at their consulates or by giving the power to act as a proxy vote to another eligible voter).

Table 3 shows an overview of the electoral rights in Belgium across the FCC/SCC/TCC statuses.

To stand for election, candidates must meet the same criteria as those required to be a voter, with one difference: to run as a member of the Chamber of Representatives, the candidate has to be at least 21 years of age to be eligible.

Table 3: Electoral rights in Belgium (summary)

	First-country citizens (FCC)	Non-resident first-country citizens (FCC)	Non-citizen residents/ Second-country citizens (SCC)	Third-country citizens (TCC)
European Parliament	YES	YES – if not voting in another EU member state	YES – if not voting in another EU member state	NO
Federal Parliament (<i>Chamber of Representative</i>)	YES	YES	NO	NO
Regional elections	YES	NO	NO	NO
Provincial elections	YES	NO	NO	NO
Municipal elections	YES	NO	YES – no waiting period	YES – after five years of official residency

Rules on registration

Both European Union and non-European Union citizens can vote in municipal elections if they register at the municipality where they are residents (the deadline for the next municipal elections, to be held on 14 October 2018, was 31 July 2018), but different conditions are applied:

- European Union citizens can register irrespective of how long they have lived in Belgium;
- Non-European Union citizens can vote in municipal elections after five years of uninterrupted residence.

Once somebody has registered to vote, he or she is compelled to do so, as are all Belgian citizens. Registration has to be done once, but an SCC resident can decide to de-register at any moment.

European Union citizens may run as candidates (with the exception of elections for the mayoral office) in the municipal elections. This is not possible for third-country citizens. Table 4 summarizes some of the aforementioned information.

Table 4: Overview of frequency of election and right to vote

Level of governance	Frequency	Right to vote of non-Belgians
Municipal	every 6 years	EU citizens & non-EU citizens
Provincial	every 6 years	no right to vote
Regional	every 5 years	no right to vote
Federal	every 5 years	no right to vote
European	every 5 years	EU citizens

Comparative context

With respect to other European Union countries, Belgium is overall an inclusive country, especially for EU nationals: the registration procedure for municipal elections is easy and accessible, and registration for European elections is advertised by mail. One main shortcoming is the language: most information is communicated/available only in one of the official languages of the country (and not in English, at least via official channels). To summarise, both active and passive voting rights are relatively easily accessible for EU nationals.

The most restrictive barriers are observable for non-EU nationals: the waiting period of five years of residency in order to be eligible to vote for municipal elections, and the impossibility of standing as a candidate in municipal elections. Nonetheless, compared with the countries in the EU where local election rights are not offered to third-country citizens at all, Belgium is still at the more open end of the scale in the Global Citizenship Observatory's ELECLAW indicators of electoral inclusion.¹³

Descriptive statistics

In 2018 Belgium has a total population of 11,376,070. Of these, 10,018,514 are Belgians (FCC) (88.07%) and 1,357,556 foreigners (SCC and TCC) (11.93%). Out of the total population, 7,975,658 are eligible voters (70.11%), because of the obvious exclusion of citizens under 18, and the exclusion of citizens who have lost their right to vote for other reasons.

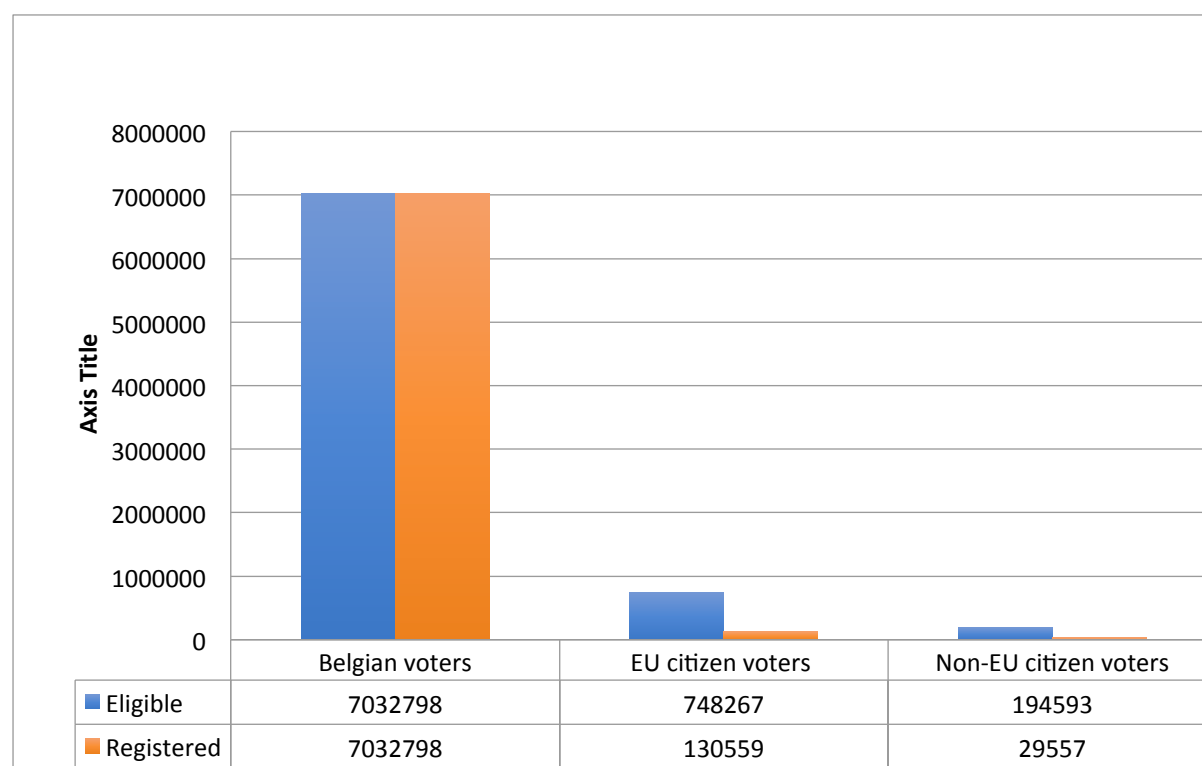
Figure 2 shows the amount of first-, second-, and third-country citizens across the whole eligible electorate for the municipal elections. Belgian citizens account for 88.18% of the whole eligible electorate. For this group, no registration is required and voting is compulsory. Among the foreigners, the voters that are eligible to vote for the municipal elections in October 2018 are 748,267 European Union citizens (9.38% of all eligible voters)

¹³ GLOBALCIT (2017). ELECLAW Indicators. Version 5.0, San Domenico di Fiesole: European University Institute.

and 194,593 non-European Union citizens (2.44% of all eligible voters). However, as registration is voluntary for second- and third-country citizens, it is interesting to look at how many registered to participate in the municipal elections.

As Figure 2 illustrates, the proportion of European Union citizens and non-European Union citizens who registered for the 2018 municipal elections is extremely small – not only relative to the number of registered Belgian voters, but also with respect to the eligible citizens among these groups. In fact, the percentage of European Union citizens who will vote in the 2018 municipal elections is 1.64% out of the whole electorate. The non-European Union citizens percentage is only 0.0004%.

Figure 2: Eligible and registered voters for the Belgian municipal election 2018



Source: Own table from IBZ data (Elections Direction Belgium)

3. Activity levels of non-native voters in recent local elections

In this section the registration levels of non-citizen residents and third-country citizens are further examined. The focus will now turn from the whole electorate to the respective groups. It is worth re-stating that, since registration implies that those who register are compelled to vote, the registration rate is a very reliable indicator of likely actual electoral participation.

Tables 5 and 6 show the figures for registration of non-Belgians (both European Union and non-European Union citizens). As the tables clearly illustrate, the trend follows the same patterns in the three Regions: higher registration is observable in the Brussels Region, followed by Wallonia and finally Flanders.

As already highlighted by Figure 2, it appears that non-EU nationals registered less than EU nationals (17.45% versus 15.19%). With regard to gender, with the exception of the Brussels-region among the EU-citizens, females registered less than males across all regions and between both groups.

Table 5: Registration of European Union Citizens for the 2018 Municipal Elections

Region/ Community	European Union citizens								
	Registered			Eligible			Percentage		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Flanders	17,964	15,699	33,663	153,629	137,045	290,674	11.69%	11.46%	11.58%
Brussels	17,832	19,400	37,232	108,986	113,256	222,242	16.36%	17.13%	16.75%
Wallonia*	29,977	27,978	57,955	114,907	109,031	223,938	26.09%	25.66%	25.88%
German-speaking community	865	844	1,709	5,585	5,828	11,413	15.49%	14.48%	14.97%
Total	66,638	63,921	130,559	383,107	365,160	748,267	17.39%	17.50%	17.45%

*Without the 9 German-speaking municipalities

Source: Own table from IBZ data (Elections Direction Belgium)

Table 6: Registration of Non-European Union Citizens for the 2018 Municipal Elections

Region/ Community	Non- European Union citizens								
	Registered			Eligible			Percentage		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Flanders	4,155	3,937	8,092	40,544	44,618	85,162	10.25%	8.82%	9.50%
Brussels	6,534	5,640	12,174	31,075	32,096	63,171	21.03%	17.57%	19.27%
Wallonia*	4,408	4,855	9,263	20,782	24,471	45,253	21.21%	19.84%	20.47%
German-speaking community	15	13	28	471	536	1,007	3.18%	2.43%	2.78%
Total	15,112	14,445	29,557	92,872	101,721	194,593	16.27%	14.20%	15.19%

*Without the 9 German-speaking municipalities

Source: Own table from IBZ data (Elections Direction Belgium)¹⁴

The gender gap across the two groups are further explored in Table 7, which shows the gender differences in the registration rate, along with the minimum, the maximum and the average difference for the whole country. It clearly emerges that the registration gender gap is bigger among non-EU citizens, with an average of 0.23% more men than women registered among the EU citizens (when expressed as a percentage of the eligible electorate), and 1.75% more among the non-EU citizens. It is notable that the Brussels-region holds both extremes of the gap: a higher registration for females rather than for men among EU citizens, and the biggest difference in favour of men among the non-EU citizens.

Table 7: Gender differences in the registration rate for EU and non-EU citizens

Region	Difference Males/Females			
	EU-citizens		Non-EU citizens	
Flanders	0.24%		1.42%	
Brussels	-0.77%		3.45%	
Wallonia*	0.43%		1.37%	
German-speaking community	1.01%		0.76%	
Min/Max	-0.77%	1.01%	0.76%	3.45%
Average	0.11%		2.07%	

Comparing the 2018 municipal elections to the 2012 elections, there has been a decrease in registration of EU nationals. In 2012, 120,826 EU nationals (18.5% of the total number of resident EU citizens) registered – thus a decline of about one percentage point is

¹⁴ The official original information can be found at http://elections.fgov.be/index.php?id=1649&tx_ttnews%5Btt_news%5D=1185&cHash=3c0aa2594f6ae114d4940510625e5d31. Accessed on September 23 2018

observed. As for non-EU nationals, the inverse tendency is visible: in 2012, 20,571 (14% of those entitled to do so) registered to vote, about a one percentage point increase.

With respect to the 2014 European elections, 66,125 EU nationals registered to vote in Belgium, out of 684,306 – 9.66% of EU citizens in Belgium. Thus, the registration rate of EU- nationals for municipal elections is higher. However, this is also due to the fact that an EU-national as a voter (depending on the rules in the country of origin) often has the choice of voting for a Belgian electoral list, or one of his own country. In this sense, determining the turnout levels of EU nationals resident in Belgium is impossible by only looking at the registration rate.

External voting in recent national elections of Belgians abroad

Table 8 shows the percentage of Belgians voting in the federal elections of 2010 and 2014 abroad, broken down by voting mode. There are three possible ways of voting: 1) voting in Belgium by coming back in person or voting by proxy (that is, delegating somebody else to vote in your place; 2) voting in a Consulate /Embassy; 3) voting by correspondence. The total percentage of Belgians abroad voting in the elections out of all eligible voters was 0.54% in 2010 and 1.61% in 2014.

Table 8: Votes cast by Belgians from abroad in 2010 and 2014 federal elections

Mode of voting	2014		2010	
	Freq	Percent	Freq	Percent
Belgians based in Belgium	7,879,874	98.39	7,725,463	99.46
Belgians abroad, cast by proxy	20,241	0.25	9,741	0.13
Belgians abroad, cast in a Consulate	19,080	0.24	13,089	0.17
Belgians abroad, cast by mail	89,581	1.12	19,259	0.25
Total	8,008,776	100	7,767,552	100

Source: Own table from IBZ data (Elections Direction Belgium)¹⁵

¹⁵ The official original information can be found at: http://verkiezingen2014.belgium.be/nl/cha/results/results_graph_CKR00000.html# , accessed 25 September 2018

